

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		
MIDCAP BUSINESS CREDIT, LLC, Plaintiff, v. MIDCAP FINANCIAL TRUST, MIDCAP FINANCIAL SERVICES, LLC, MIDCAP FINANCIAL SERVICES CAPITAL MANAGEMENT, LLC, MIDCAP FINCO DESIGNATED ACTIVITY COMPANY, AND APOLLO CAPITAL MANAGEMENT, L.P., Defendants.		Case No: 1:21-cv-07922-AKH

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying memorandum of law, the Declaration of Jared I. Kagan, executed on December 3, 2021, and the exhibits thereto, and upon all prior pleadings and proceedings herein, the undersigned, attorneys for Defendants MidCap Financial Trust, MidCap Financial Services, LLC, MidCap Financial Services Capital Management, LLC, MidCap FinCo Designated Activity Company, and Apollo Capital Management, L.P. hereby move this Court for an order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing the Complaint, and for such other and further relief as the Court may deem just and proper.

Dated: December 3, 2021
New York, New York

Respectfully submitted,

DEBEVOISE & PLIMPTON LLP

By: /s/ James J. Pastore

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